

1 BILL NO. Z-87-10-09 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z-27-87

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. L-6

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated an B-3-B (General Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 Lot #1 and #2 and the Esat 10 feet of Lot #3 of
12 McCullough Homestead Addition,

13 and the symbols of the City of Fort Wayne Zoning Map No.
14 L-6, as established by Section 11 of Chapter 33 of the Code
15 of the City of Fort Wayne, Indiana are hereby changed
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20 _____
Councilmember

21 APPROVED AS TO FORM AND LEGALITY:

22 _____
23 BRUCE O. BOXBERGER, CITY ATTORNEY
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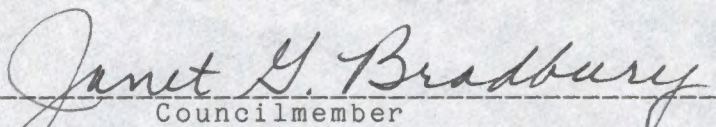
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated an M-2 (General Industrial) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

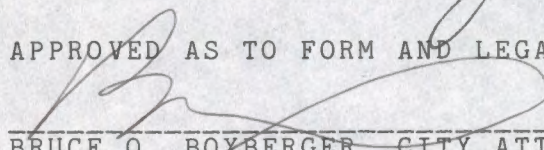
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18 and effect from and after its passage and approval by the
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20 
Councilmember

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22 
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W.
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M.

DATE: 10-12-87.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 11-10-87.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (~~APPROPRIATION~~) (~~GENERAL~~)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-27-87

on the 10th day of November, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. Giaquinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana

on the 12th day of November, 1987

at the hour of 11:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of November
1987, at the hour of 10:00 o'clock A. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED SEPT. 15, 1987

INTENDED USE _____

I/We THOMAS KRISTINE BIRELEY
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an M-2 District the property described as follows:

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

LOT #1 and 211 of 2 EAST 10' OF 3 McCULLOUGH HOMESTEAD ADD
616 W. SUPERIOR ST.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Thomas D. Bireley, Sr.

2101 California Ave.

Thomas D. Bireley

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

THOMAS BIRELEY
(Name)

2101 CALIFORNIA
(Address & Zip Code)

482-6705
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

25' ALLEY (ASP. & STONE)

OVER HEAD POWER TO
POWER POLE
THIS AREA TO BE
RECONSTRUCTED

NEW ASPHALT DRIVE

NEW ASPH

BLOB. TO BE

UP.
STEPS 1/2" - 4 R.O. 1/2"

HANDICAP RAMP
DROPPED CURB

NEW ASPHALT DRIVE

NEW CONC. CURBS

NEW SIGN

REPAIR ALL EXIST. STEPS & CURBS

NEW EXIST.

NEW 6" CURBS TO MATCH
EXIST. TO PROP. LINE

CITY TO REPAIR WALKS

REPAIR EXIST. APRON
& CURBS

REPAIR EXIST. STEPS & CURBS

CE SUPERIOR STREET (50' RW)

483 568



SITE PLAN

SCALE: 1/4" = 1'-0"

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

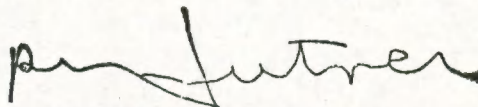
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

616 W. Superior Street

3-27-10-09

EFFECT OF PASSAGE _____

Property is presently zoned B-1-B - Limited Business District.

Property will become M-2 - General Industrial District.

EFFECT OF NON-PASSAGE _____

Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-87-10-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From B-1-B to M-2

DETAILS**Specific Location and/or Address**

616 W. Superior Street

Reason for Project

To establish an Antique Store and
furniture restoring business.

Discussion (Including relationship to other Council actions)19 October 1987 - Public Hearing

Tom Bireley, owner and petitioner that the property is the historic McCullough House. He stated that they started the project of restoring this home under the assumption that they were zoned M-2. He stated that there was a mistake made and they discovered the error about a month and a half ago. He stated that in order to complete their plans for an antique shop and offices they need the property rezoned.

It was questioned if he had any problem with the property being perfected to a B-3-B.

Mr. Bireley stated he did not as long as the B-3-B zoning would allow them to do furniture restoring as well. He stated that restoration is a major part of the antique business.

Wayne O'Brien, planner with CD&P, stated that the restoring of the furniture along with the antique business was allowed in a B-3-B.

There was no one else present who wished to speak in favor of or in opposition to the

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Thomas Bireley
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ AgainstPerfect to
B-3-B

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☒ For with revisions to conditions
(See Details column for conditions)
Change from B-1-B to B-3-B**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

proposed rezoning.

26 October 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation Perfect to a B-3-B.

Of the eight (8) members present 7 voted in favor of the motion one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 September 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by

Date 29 October 1987

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

10/30/87

BILL NO. Z-87-10-09

REPORT OF THE COMMITTEE ON

As Amended
REGULATIONS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~ (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. L-6

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) *Do Pass*

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 11-10-87

SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #306

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A BIB DISTRICT TO A M-2 DISTRICT.

MAP NO. L-6

COUNCILMANIC DISTRICT NO. 1

